

DENVER WATER

1600 West 12th Avenue • Denver, Colorado 80204-3412
 Phone: 303-628-6000 • Fax No. 303-628-6199

ORIGINAL

EX PARTE

WTB DOCKET NO. 02-196

August 26, 2002

Mr. Terry L. Fisher
 Deputy Chief, Licensing and Technical Analysis Branch
 Commercial Wireless Division
 Wireless Telecommunications Bureau
 Federal Communications Commission
 Gettysburg, PA 17325

RECEIVED

JAN - 9 2003

Federal Communications Commission
 Office of the Secretary

Re: i2Way Corporation
 FCC Public Notice DA 02-1827
 Dated July 29, 2002

Dear Sirs:

Upon receiving notification of the changes to i2Way's request to the FCC and reviewing Public Notice DA02-1827, published July 29, 2002, Denver Water does not see where our concerns have been addressed. It is still our belief that the 10 channel rule needs to be adhered to and that the original ruling was made to prevent this type of action.

We ask that you consider the points of our previous letter, which is attached.

Thank you very much for considering this request.

Sincerely,



Gayle Heazlett
 Enterprise Infrastructure Manager
 Denver Water

No. of Copies rec'd /
 List ABCDE

Cc: Chris Dermody, CIO, Denver Water
 Jerry Vahling, Radio Communications Specialist, Denver Water
 Sue Scott-Thorn, President, KNS Communications, LTD.

CONSER E

DENVER WATER

1600 West 12th Avenue • Denver, Colorado 80204-3412
Phone 303-628-6000 • Fax No. 303-628-6199

March 8, 2002

Mr. Terry L. Fishel
Deputy Chief, Licensing and Technical Analysis Branch
Commercial Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission
Gettysburg, PA 17325

Re: i2Way Corporation

Dear Sirs:

On behalf of the Denver Water Board we would like to request the FCC deny i2way Corporation's request for a Declaratory Ruling (per their letter to you dated October 31, 2001).

Providing clean and safe water is certainly a requirement of our society - and without reliable telemetry systems, we would have difficulty controlling and monitoring our water collection, treatment and distribution systems which serve over a million people in the City and County of Denver and surrounding areas.

The argument, that i2way makes about being "invisible" to the coordinator is not sound. Busy channel lock-out does work well - but i2way subscribers will have equipment that is capable of using many channels - the existing telemetry users will not. The i2way equipment may choose an open channel - but Denver Water's telemetry equipment is limited to one single channel of operation. When an i2way subscriber finds an "open" channel - if that happens to be one of our telemetry channels - it could remain busy for a considerable time while they occupy the channel for voice or phone communications. All of this time the channel is unusable for the telemetry application. The 2 wait offsets have been, for many years, the frequencies of choice for telemetry applications. This has been good use of the spectrum. Denver Water, as well as many other water and wastewater systems, depends heavily on radio telemetry.

In addition, future applications for both our water department and others, will be seriously hindered because of the "panopoly" of channels being all in use by i2way.

We strongly object to allowing the licensing and/or development which allows any user to obtain and use an entire block of spectrum. This is not in the spirit of the regulations, and certainly not in the best interests of the public which is served by the many thousands of water and wastewater districts that use these frequencies for control of their automation systems.

CONSERVE

NOT TO BE REPRODUCED FROM DENVER WATER 3036286026 T-031 P.04/04 F-310

DENVER WATER

The 10 channel rule is designed to assure that no one company monopolizes all of the spectrum in an area. The frequencies are designed to be shared, not to be developed into another cellular-type application. There are auctioned frequencies available for organizations that want to proceed and develop large blocks of spectrum and then resell the use of these frequencies. We strongly encourage you to maintain the 10 channel rule.

The mere fact that I2way states they must have a broad range of available frequencies to function effectively should indicate that this is not an appropriate use of this spectrum.

They will not provide proper protection to other users with the monitoring and bury lockout scheme that they propose unless this scheme also will "drop" calls when the existing users need the frequencies. Telemetry has a lot of time when there is no channel use because of the short data bursts - but it cannot sustain lots of time when the channels are unavailable for lengthy periods of time.

Thank you very much for considering this request.

Sincerely,



Gayle Heazlett

Enterprise Infrastructure Manager
Denver Water

Cc: Chris Dermody, CIO, Denver Water
Jerry Vahling, Radio Communications Specialist, Denver Water
Sir Scott-Thomas, President, KNS Communications, LTD.